



COMPLETING THE REQUEST FOR ORDER PACKET

Purpose of Packet

This packet is intended to provide you with the instructions on how to complete, file and serve the Request for Order form set in the Sacramento Superior Court. The Request for Order form (FL-300) is used to request a hearing on most issues in a family law case, including:

- To get custody or visitation orders when none exists or to modify existing orders;
- To get child or spousal support orders when none exists or to modify existing orders;
- To set aside a default or a judgment or to ask the Court to reconsider its prior order;
- To change venue from Sacramento to another county;
- To ask the court for permission to amend your petition; or
- To request attorney fees and other costs.

A Request for Order cannot be used to obtain a Domestic Violence Restraining Order or to seek final judgment in your case through trial. There are specific forms that are required in those situations. These instructions are not intended for use in requesting emergency or ex parte orders. If you need an ex parte or emergency order, consult a licensed family law attorney.

Forms you will need to file a Request for Order:

- Request for Order (form FL-300)
- Family Law Case Demographic Information (local form FL/E-ME-811; for child custody and visitation only)
- Income and Expense Declaration, (form FL-150, for child and/or spousal support)
- Attached Declaration (MC-031, optional)
- Witness List (FL-321, optional)
- Proof of Personal Service (FL-330), **or** Proof of Service by Mail (FL-335)

You will also need blank copies of the following forms to serve on the other party:

- Responsive Declaration to Request for Order (FL-320)
- Income and Expense Declaration, form (FL-150) (Only if you are asking the Court to make child or spousal/partner support orders)
- Mediation Notice, (local form FL/E-LP-642)
- Proof of Service by Mail (FL-335)

Completing the Request for Order Form (FL-300)



In the top left box of the form, print your full name, mailing address and telephone number. In the space next to where it says, "attorney for," print "In Pro Per." The words In Pro Per means that you are representing yourself in this case.

In the second box down on the left, the court's name and address should be pre-printed on the form for you. However, if it is not, print the following information:

County of:	Sacramento
Street Address:	3341 Power Inn Road
Mailing Address:	3341 Power Inn Road, Room 100
City and Zip Code:	Sacramento, 95826
Branch Name:	Family Relations Courthouse

In the third box down, on the left print the full name of the parties next to the words PETITIONER/PLAINTIFF and RESPONDENT/DEFENDANT. A party's status never changes. In other words, the party that started or opened the case at the beginning will always be the petitioner. If the case was filed against you, you are and will always be the respondent. If other persons have been joined into the case as parties, you must include them by printing their name(s) next to the words OTHER PARENT/PARTY.

In the fourth box down, on the left, is the REQUEST FOR ORDER box; this is where you will place a checkmark in all of the boxes for the issues you want to include at the hearing. Although you may check as many boxes as you wish the judge to consider, your hearing is scheduled to last a maximum of 15 minutes. If you need more than 15 minutes, you should be prepared to attend a second, longer hearing on a different date. The date and time for the second hearing will be provided at the end of your first scheduled hearing.

If you already have court orders and now you would like to have the orders changed, check the box for MODIFICATION. For example, if you seek modification of an existing child support and child custody order, you would check the box for MODIFICATION and check the boxes for CHILD CUSTODY and CHILD SUPPORT. In other words, if you check modification, you must also check another box that corresponds to the order you want modified.

If you do not have existing orders, do not check the box for Modification. You will only need to check the boxes for orders you seek.

If you are seeking an order about an issue not listed check the box next the word "Other," and in the area provided, print the issue(s) that you would like the judge to address at the hearing.

In the second box down, on the right side, next to the words "CASE NUMBER," print your Superior Court case number.

Item 1. Print the name of the other party. If you are requesting child support orders and the Department of Child Support Services is involved in your case, include the name, "Department of Child Support Services."

Item 2a and 2b. Leave blank. The filing clerk will complete these items when you file your papers.



Item 3. Place a check in all of the boxes that correspond to the form name and number of the attachments that you completed for attachment to the Request for Order. If you do not see a box that corresponds to an attachment that you have completed and filed, you should check the box for “other” and specify the title of the attachment(s) in the space provided at item 3(e). You must provide the other party with a copy of all the attachments when you serve the Request for Order. Date, print your name and sign page 1 and do not complete any further items on page 1.

Page 2

In the long box at the top of the page, print the names of the parties next to the words PETITIONER/PLAINTIFF and RESPONDENT/DEFENDANT and print the case number to the far right side of the box.

Below the title REQUEST FOR ORDER AND SUPPORTING DECLARATION, check the box next to the party name (Petitioner or Respondent) that identifies you. Complete only the items that match the issues you selected on page 1.

Item 1, Child Custody. Legal custody concerns a parent’s right to make decisions regarding a child’s health, welfare and education. Physical custody is where a child resides. Complete items 1(a) to 1(c) for each child. If you would like to provide the judge with greater details of the child custody arrangement you seek, you may do so by checking item 1(d) and placing a check mark for each optional form that you intend to attach to your Request for Order.

If you have an existing child custody order, also check item 1(e). By checking this box, you are telling the judge that you seek to modify an existing order. At item 1(e)(1), print the date the existing order was made and at item 1(e)(2), briefly describe the existing order.

Item 2, Child Visitation (Parenting Time). Visitation refers to the time that a child will spend with a parent with whom the child does not primarily live with. Complete this section if you are seeking visitation orders. At items 2(a)(1) to 2(a)(3), check one of these boxes to tell the Court where it can find a description of your visitation request.

If you choose to describe your proposed visitation schedule on another sheet of paper, print the words “Attachment 2a” at the top of the page and check box 2a(1). If you decide to use form FL-311 to describe the specific visitation plan, you should check item box 2a(2). If your proposed visitation schedule is found in another document like a mediation report, check “Other” at item 2a(3) and print the name and date of the document in the space provided.

If you have an existing visitation order, check item 2(b). By checking this box, you are telling the judge that you seek to modify an existing order. At item 2(b)(1), print the date the existing order was made and at item 2(b)(2) briefly describe the existing order.

If there are any domestic violence restraining orders currently in effect, complete item 2(c). Attach a copy of the restraining order to the Request for Order form.

Item 3, Child Support Under California law, the courts are required to set child support orders according to the statewide uniform guidelines. Complete this section if you are seeking child



support orders. List the name and age of each child. You do not need to list a specific child support amount. Child support will be set according to the state guidelines. You must also attach a completed form FL-150 (Income and Expense Declaration).

If you have an existing child support order, check item 3(d). By checking this box, you are telling the judge that you seek to modify an existing order. At item 3(d)(1), print the date the existing order was made and at item 3(d)(2) print the current order.

Item 4, Spousal or Partner Support. Complete this section if you are asking for orders regarding spousal or partner support. You must attach a completed form FL-150 (Income and Expense Declaration)

Item 5, Attorneys Fees and Costs. Complete this section if you are seeking attorneys fees. You must attach form FL-158 (A Supporting Declaration for Attorney Fees and Costs) and a completed form FL-150 (Income and Expense Declaration).

Item 6, Property Restraint. Complete this section if you want the judge to prohibit the other party from selling, hiding, or giving away your personal or community property. In your declaration on page 4, describe why the order is necessary.

Item 7, Property Control. Complete this section in marital actions only where you are seeking exclusive use and possession of an item of community or joint property, such as the family residence or the family car.

Item 8, Other Relief. Complete this item if you would like to ask the judge for an order for an item other than the issues covered in items 1 to 7. For example, you can request to set aside a default judgment or a change of venue.

Item 10, Facts In Support. This part is very important. This is your opportunity to tell the Court (in a declaration) why you are asking for the court orders that you are requesting. Explain all the reasons why the court should grant the orders you are requesting. Use separate headings for each type of order you seek. Your declaration should include all of the information that the judge will need to consider in granting your request.

You can print your declaration in the space provided, or you may attach a blank declaration form (form MC—31) if you need more space. If you decide to include a separate page, check the box next to the words “contained in the attached declaration.”

You may attach exhibits to your declaration to support your request for hearing. Exhibits are documents that support your declaration. You must clearly identify the document in your declaration by stating what the document is, the exhibit number you have assigned it and how the document supports your request. For example: “Attached as Exhibit A is a copy of my pay stubs for the months from January 2012 to March 2012. The pay stubs show that my monthly income during the period was \$1320.00 a month.”

At the bottom of the page, print the date and your name and sign where indicated.



Additional Instructions and Form for Requesting Child Custody and Visitation Orders

If you are requesting custody or visitation orders, you will be referred to the Office of Family Court Services to schedule an appointment with a child custody recommending counselor (CCR Counselor). CCR Counselors are professionals with education and training in child and family development who are skilled at helping parents resolve disagreements. There is no cost for this service. If you do not reach an agreement, or if you agree on some things and not others, the CCR counselor will recommend a parenting plan to the court based on the best interest of the child(ren). If you do not agree with the recommendation, you will have the opportunity to say why you disagree at the court hearing.

Completing the Family Law Case Demographic Information Form, local form [FL/E-ME-811]

You must complete this form if you are requesting child custody or visitation orders. The information you provide on this form is necessary for Family Court Services to properly notify everyone of upcoming appointments, and mail reports to you and the other parent. Please read and answer all parts of this form. If there are no attorneys or claimants, leave those sections blank.

If You Plan to Call Witnesses at the Hearing

If you would like to have witnesses testify in support of your request for orders, you must file and serve along with the request for order, a witness list that includes a brief description of the issues that you expect your witness to testify to on your behalf. The witness list may be completed on form FL-321 and it must be served on the other party along with the request for hearing prior to the scheduled hearing date.

Filing and Serving the Request for Order

Copying

Make a copy for all of the parties' involved in the case of the entire packet. If you have other papers such as your Income and Expense Declaration, you will need to make copies of them as well (keep them as separate packets). If you are requesting custody or visitation orders, you need to make one extra copy of the packet (for Family Court Services), excluding the Income and Expense Declaration.

Separate these instructions from the forms. You do not need to file the instructions when you file your forms.

Put your forms in order as follows:

1. Request for Hearing on top
2. Any optional attachments you used
3. Attached declaration (if needed)
4. Exhibits (if any)
5. Family Law Case Demographic Form (if you are seeking custody or visitation Orders)



Filing Fees

There is a filing fee for an Request for hearing. If you have never paid an initial filing fee in the case, you may also be asked to pay your initial filing fee at the same time. If you are unable to pay your filing fees, you may be able have your filing fees waived by the Court. For more information about fee waivers, including forms and instructions, visit:

<http://www.saccourt.ca.gov/fees/fee-waiver.aspx>.

Filing your Papers with the Court

When you are ready to file your forms, you may mail them to the Court or drop them in the Drop Box inside the lobby of the courthouse or file them in person. If you file by mail, send your forms, copies and filing fee to the following address:

Sacramento Superior Court
Family Relations Courthouse
3341 Power Inn Road, Room 100
Sacramento, CA 95826

If you file in person, take all of the forms you have completed and the copies to the courthouse and obtain a service ticket for the filing room (Room 100).

Serving the Papers

After the Request for Order has been filed, you must have all the other parties served with a copy of the Request for Order and the attachments (if any) at least sixteen (16) court days before the scheduled hearing. If you are serving by mail, you must add an additional five (5) calendar days to the time required for service.

Mail service is permitted if:

1. There is no judgment yet entered in the case and
 - You are the respondent , or
 - You are the petitioner and the other party has filed a Response/Answer.
2. There is a judgment in the case and you have verified the other party's mailing address.

Personal service is the preferred method of service and may be used even if it is not required. You must have another adult who is not a party to the case personally serve the other party. When each party has been served, your server must complete a Proof of Service form. The completed proof of service form and a copy should be filed with the Court. Bring the filed copy to the hearing.